



DAC/\$  
DIVISION

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
November 15, 2004 Date	 Gina N. Shishima

NOV 22 AM 10:54

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Xiang, et al.

Serial No.: 09/828,498

Filed: April 5, 2001

For: FULL-LENGTH GB VIRUS C  
(HEPATITIS G VIRUS) RNA  
TRANSCRIPTS ARE INFECTIOUS IN  
PRIMARY CD4 POSITIVE T CELLS AND  
METHODS OF TREATING HIV

Group Art Unit: 1648

Examiner: Winkler, Ulrike

Atty. Dkt. No.: IOWA:030

RECEIVED  
NOV 24 2004  
OFFICE OF PETITIONS

**CHANGE OF ENTITY STATUS  
AND PAYMENT OF DEFICIENCY FEES**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Pursuant to 37 CFR § 1.28, Applicants respectfully request that the entity status of the above-referenced case be changed from small entity to large entity.

The facts of this matter are as follows:

This case was filed on April 5, 2001. In response to a Notice to File Missing Parts, Applicants submitted a Small Entity Declaration on July 23, 2001.

11/23/2004 DALLEN 00000036 09828498

01 FC:1461

1729.00 OP

It has recently come to the attention of Applicants' representative that the present case is not entitled to the payment of fees on a small entity basis. Applicants' representative states that the original Small Entity Declaration and small entity fees were paid in good faith and that the payment of the small entity fees were the result of an unintentional error.

Included herewith is a check for \$1,729.00, which is the amount of the deficiency based on the amount of fees due for a non-small entity. This amount is believed to cover all deficiencies occasioned by the payment of small entity rather than large entity fees during the prosecution of this case. The deficiency is based on the amount of fee in effect as of the date of this submission, pursuant to 37 C.F.R. §1.28(c).

Specifically, the check includes dollar amounts for the following items:

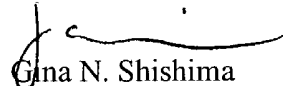
Item and Date Submitted	Amount Paid/ Time of Filing	Amount Due/ Current Date	Amount of Deficiency Submitted Herewith
Filing Fee/July 23, 2001			
Basic Filing Fee	\$ 355.00	\$ 790.00	\$ 435.00
Total Claims over 20	378.00	756.00	378.00
Independent claims over 3	280.00	616.00	336.00
Surcharge for late filing	65.00	130.00	65.00
RCE/ October 31, 2003	385.00	790.00	405.00
One-month extension for filing RCE	0.00	110.00	110.00
TOTALS	\$ 1,463.00	\$ 3,192.00	\$ 1,729.00

In view of the above, Applicants' representative respectfully submits that the requirements of 37 CFR § 1.28 have been met and requests designation of this case as a non-small entity case and acceptance of the fees submitted herewith.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to

deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/IOWA:030.

Respectfully submitted,

  
Gina N. Shishima  
Reg. No. 45,104  
Attorney for Applicant

Fulbright & Jaworski L.L.P.  
600 Congress Ave., Suite 2400  
Austin, Texas 78701  
(512) 474-5201  
(512) 536-4598 (facsimile)

Date: November 15, 2004